

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SLEZAK,

Plaintiff,

v.

TCIF, et al.,

Defendants

No. 03-3537 MMC

**ORDER DENYING PLAINTIFF'S MOTION
FOR ORDER DENYING NEGATIVE
CREDIT REPORTING AND
FORECLOSURES/SALES OF
PLAINTIFF'S PROPERTY**

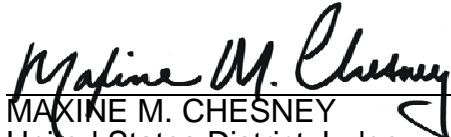
By order filed August 23, 2006, the Court granted defendants' motion to dismiss, construed as a motion for summary judgment, and, on August 23, 2006, the Clerk entered judgment thereon. By order filed March 28, 2007, the Court denied plaintiff's motion for reconsideration.

The Court is now in receipt of plaintiff's "Motion for Order Denying Negative Credit Reporting and Foreclosures/Sales of Plaintiff's Property," filed April 10, 2007, by which plaintiff seeks an order prohibiting defendants from taking the action identified in the title of the motion "for 30 days and/or an appeals [sic] is final whichever is later." The Court construes plaintiff's motion as a motion to stay the judgment pending appeal, pursuant to Rule 8(a)(1) of the Federal Rules of Appellate Procedure. So construed, the motion is hereby DENIED, for the reason plaintiff has failed to show any likelihood of success on the merits of an appeal, let alone the existence of a serious question. See Lopez v. Heckler,

1 713 F. 2d 1432, 1435 (9th Cir. 1983) (holding party seeking stay pending appeal must
2 show either “probability of success on the merits and the possibility of irreparable injury” or
3 that “serious questions are raised and that the balance of hardships tips sharply in [his]
4 favor”). Moreover, plaintiff has failed to file proof of service of the motion on defendants,
5 and has not shown good cause exists to consider the motion on an ex parte basis.

6 **IT IS SO ORDERED.**

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8 Dated: April 13, 2007


MAXINE M. CHESNEY
United States District Judge